

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

In re: Federal Rule of Criminal Procedure 5(f)

Pursuant to Federal Rule of Criminal Procedure 5(f), as amended by the Due Process Protections Act,<sup>1</sup> this Order confirms the disclosure obligation of the prosecutor under *Brady v. Maryland*, 373 U.S. 83 (1963),<sup>2</sup> and its progeny, and the possible consequences of violating *Brady* and/or this Order, as set forth in applicable law. The Clerk shall provide a copy of this Order to the prosecution and defense counsel.

**IT IS SO ORDERED.**

Greenville, South Carolina  
Dated: September 27, 2022

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s/Jacquelyn D. Austin  
United States Magistrate Judge

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<sup>1</sup> Due Process Protections Act, Pub. L. No. 116-182, 134 Stat. 894 (2020).

<sup>2</sup> See generally *Long v. Hooks*, 972 F.3d 442, 456 (4th Cir. 2020) (en banc) (“*Brady v. Maryland* instructs that ‘the suppression by the prosecution of evidence favorable to an accused’ violates due process where the evidence is ‘material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution.’” (quoting *Brady*, 373 U.S. at 87)).